

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
Clark L. Allred
Application Serial No. 09/137,868
Filed: 14 August 1998
For: ALGORITHM FOR RAPID ENDMEMBERS DETERMINATION (ALRED) IN
HYPERSPECTRAL DATA



OFFICE OF THE ASSISTANCE
COMMISSIONER FOR PATENTS

Honorable Commissioner of Patents and Trademarks

Washington, D.C. 20231-0001

Sir:

PETITION UNDER 37 C.F.R. 1.181

The Government of the United States of America as represented by the Secretary of the Air Force hereby petitions the Commissioner to instruct the Licensing and Review Office to initiate a secret order and extend the time for the issuance of the above-cited application as a patent in accordance with 35 U.S.C. 267 and 35 U.S.C. 181.

The above-cited application has received a filing receipt dated 14 August 1998. However, it is imperative, for the reasons discussed below, that the issuance of the above-cited application be deferred for a period of time up to the statutory period of three years under 35 U.S.C. 267, and indefinitely under 35 U.S.C. 181.

This petition is submitted pursuant to 35 U.S.C. 267 and 35 U.S.C. 181. The subject of the above-cited application is the property of the U.S. Government, as evidenced by Exhibit 1. Exhibit 1 is a copy of an Assignment of the invention described in the above-cited application to the United States of America as represented by the Secretary of the Air Force.

Exhibit 2 is the statement of the appropriate Department of Defense agency that indicates that the invention of the above-cited application is important to the defense of the United States, and contains a recommendation against the publication of the subject matter contained within the

09/137,868 SLCXNG1 00000020 09137868

130.00 CH

AUG 17 1999
TC 2700 MAIL ROOM
RECEIVED

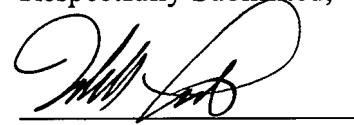
above-cited application. The reason for this application is that the subject matter of the above-cited application contains information which the appropriate Department of Defense agency has determined as being critical technology on high energy laser devices. This determination has been made in accordance with D.O.D. Directive 5230.25 and A.F. Regulation 80-34, which authorize the withholding of technical data with military or space applications from public disclosure.

For this reason the Commissioner is respectfully requested to extend the time for the above-cited application to issue as a patent for a period of up to three years pursuant to 35 U.S.C. 267. Within this time frame, the United States Air Force will either (1) obtain permission from the appropriate D.O.D. agency for the above-cited application to issue as a patent and therefore pay the issue fee, (2) abandon the application, or (3) request that a Secrecy Order be imposed on the above-cited application within the provisions of 35 U.S.C. 181.

It is believed that within one year, a reviewer will recommend that a Secrecy Order be imposed on the unclassified patent application if publication would be detrimental to national security (Source: 35 U.S.C. 181); or that a security classification guide will be developed indicating that the subject matter is SECRET.

In accordance with Section 714.01 of the M.P.E.P., the following information is presented in the event that a call may be deemed desirable: William G. Auton, A/C 781-377-3773.

Respectfully Submitted,



WILLIAM G. AUTON
Attorney for Applicant

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Tab settings □ □ □ □ □

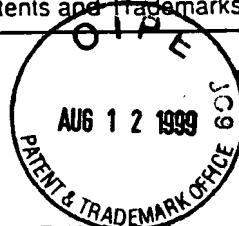
PATENTS ONLY

Exhibit 1

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

CLARK L. ALLRED

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Assignment | <input type="checkbox"/> Merger |
| <input type="checkbox"/> Security Agreement | <input type="checkbox"/> Change of Name |
| <input type="checkbox"/> Other _____ | |

Execution Date: 7 August 1998

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

09/137,868

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: JULIAN L. SIEGEL

Internal Address: _____

ESC/JAZ

Street Address: 40 Wright StreetCity: Hanscom AFB State: MA ZIP: 01731-29036. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41).....\$ 40 Enclosed Authorized to be charged to deposit account

8. Deposit account number:

AF 01-0465

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

JULIAN L. SIEGEL

Name of Person Signing

Signature

Total number of pages including cover sheet, attachments, and document: 3

29 January 1999

Date

Mail documents to be recorded with required cover sheet information to:

**ASSIGNMENT
(SOLE-EXECUTIVE ORDER)**

AFB00420

Serial No. 09/137,868
filed: 14 August 1998

WHEREAS, I, **Clark L. Allred**, while employed by the Government of the United States, made an invention entitled **Algorithm for Rapid Endmembers Determination (ALRED) in Hyperspectral Data** and described in application for Letters Patent of the United States executed by me on or about the 7th day of August, 1998;

WHEREAS, the conditions under which said invention was made are such as to entitle the Government under Paragraph 1(a) of Executive Order 10096, to the entire right, title and interest therein, including foreign rights; and

WHEREAS, as to foreign rights, it is the policy of the Government to obtain an option to exercise such rights;

NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the premises and other valuable considerations, I, **Clark L. Allred**, the inventor, have sold, assigned and transferred and by these presents do sell, assign and transfer unto the Government of the United States of America as represented by the Secretary of the Air Force, my entire right, title and interest throughout the United States of America, its territories and dependencies, in and to the aforesaid invention described in the aforesaid application for Letters Patent of the United States, and all Letters Patent issuing thereon and any continuations, divisions and reissues or extensions thereof, I hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the Government of the United States of America, as represented by the Secretary of the Air Force, and his/her successors, as assignee of my entire right, title and interest in and to the same throughout the United States of America, its territories and dependencies, for the sole use for the full term or terms for which said Letters Patent and any continuations, divisions and reissues or extensions thereof are, or may be, granted as fully and entirely as the same would have been held by me had this assignment not been made; and I do hereby also grant unto the Government of the United States as represented by the Secretary of the Air Force, the option to take all of the right, title and interest in said invention or all applications for Letters Patent thereon in all countries foreign to the United States in which the Government of the United States may file, or cause to be filed, applications for Letters Patent, without payment to me of any further consideration; provided, however, that this grant of an option to take foreign rights in my invention, or applications for Letters Patent thereon, shall have force and effect only as to such applications filed in foreign countries within six months of the filing date of any application for United States Letters Patent covering my invention, or within six months from the declassification of my invention, whichever is later, and that all foreign rights not exercised under the option are left to me subject to a nonexclusive, irrevocable, royalty-free license to the Government of the United States in any patent which may issue on said invention in any foreign country, including the power to issue sub-licenses for use in behalf of the Government of the United States and/or in furtherance of the foreign policies of the

Government of the United States; and I hereby agree to execute any and all applications for Letters Patent, and to furnish all data and documents and to execute any papers which may be necessary for the preparation and filing of such domestic applications, or for the Government to exercise its option granted hereunder, except that I shall not be subject to any out-of-pocket expense relative to such action.

Inventor Clark Allred
Clark L. Allred

STATE OF: Mass ss.
COUNTY OF: Middlesex

Before me, a Notary Public in and for the county of Middlesex and state of Mass, on this 7 day of August, 1998, personally appeared **Clark L. Allred**, who being duly sworn did say that he is the inventor who signed the above Assignment and acknowledged said Assignment to be his free act and deed.

(Seal)



Notary Public

To ESC 1/JA2 - Bill Anton Exhibit 2 4 Aug 99

Dimond Noreen A Civ AFRL/VSOT

From: Kennedy Laura LtC Det 3 AFRL/CC-VSB
Sent: Wednesday, August 04, 1999 1:04 PM
To: Gardiner Harold A Civ AFRL/VSBM; Dimond Noreen A Civ AFRL/VSOT; Ratkowski Anthony
Civ AFRL/VSBM; Lipson Steven J Civ AFRL/VSBM
Cc: Morris Robert A Civ AFRL/VSBP; Blumberg William A Civ AFRL/VSBC
Subject: 12 1999 ICS E: Disposition of Patents

And if there's a way to do the review sooner than a year (like as soon as Ms Anderson approves the more detailed guidance that Lt Mello and Tony are working on), I'm willing to revisit at that point. Thanks for the good solution

Laura

-----Original Message-----

From: Gardiner Harold A Civ AFRL/VSBM
Sent: Wednesday, August 04, 1999 12:28 PM
To: Dimond Noreen A Civ AFRL/VSOT; Ratkowski Anthony J Civ AFRL/VSBM;
Lipson Steven J Civ AFRL/VSBM
Cc: Kennedy Laura LtC Det 3 AFRL/CC-VSB
Subject: Disposition of Patents

Noreen, *MAA 8/4/99*

The patent applications submitted by Clark Allred (Docket No. AFB00420) and David Vititoe (Docket No. AFB00440) in 1998 have been reviewed by Dr Anthony Ratkowski, Dr Steve Lipson and myself for classification sensitivity under the current guidelines. Our recommendation is that, inasmuch as these patents do contain some sensitive data and text, that they be held back and kept in a secure facility for one year or other acceptable period. At that point another review will be made using the classification guidance eventually to be settled on by the Air Force on hyperspectral imaging technology and then a decision will be made on whether to cancel the patent applications or to continue them through the patent process.

Harold Gardiner
AFRL/VSBM
29 Randolph Road, Hanscom AFB, MA 01731-3010
PHONE: (781) 377-3672
FAX: (781) 377-8900
E-MAIL: gardiner@pldac.plh.af.mil <<mailto:gardiner@pldac.plh.af.mil>>

RECEIVED
AUG 17 1999
TC 2700 MAIL ROOM